

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION

UNITED STATES OF AMERICA, *ex rel.*
REBECCA MILLER et al.,

Plaintiff and Relator,

v.

Case No. 1:15-cv-00017

RECKITT BENCKISER
PHARMACEUTICALS, INC., n/k/a Indivior
Inc. and RECKITT BENCKISER
PHARMACEUTICAL SOLUTIONS, INC.,
n/k/a Indivior Solutions, Inc.

Defendants.

ORDER

This matter is before the court on Defendants' Unopposed Motion to Extend the Deadline to Answer Plaintiff-Relator's Complaint, (Docket Item No. 154) ("Motion"). Upon consideration of the Motion, the court finds as follows:

1. On March 29, 2021, Plaintiff-Relator filed her Fifth Amended Complaint. Fifth Amended Complaint, (Docket Item No. 133);
2. On June 24, 2021, Defendants filed a Motion to Dismiss the Fifth Amended Complaint. Defs.' Mot. Dismiss, (Docket Item No. 90);
3. On July 21, 2022, this court stayed this case pending the Fourth Circuit's rehearing *en banc* of *United States ex rel. Sheldon v. Forest Lab'ys, LLC*, No. ELH-14-2535, 2020 WL 6545854 (D. Md Nov. 6, 2020), and on January 26, 2023, ordered a continuation of that stay pending the Supreme Court's decision in consolidated cases involving the same scienter issues presented in *Sheldon: United States ex rel. Proctor v. Safeway*,

Inc., No. 22-111, 2023 WL 178393 (U.S. Jan. 13, 2023) and *United States ex rel. Schutte v. SuperValu Inc.*, No. 21-1326, 2023 WL 178398 (U.S. Jan. 13, 2023). Ord. Staying Case, ECF. No. 140; Ord. Continuing Stay, (Docket Item No. 142);

4. Following the Supreme Court's June 1, 2023 decision in *SuperValu*, this court vacated its order to stay this case and ordered parties to file briefs detailing the effect of *SuperValu* on Defendants' Motion to Dismiss. Ord. Vacating Stay, (Docket Item No. 144). The parties filed their briefs on June 23, 2023;
5. On October 17, 2023, the court dismissed Counts 1, 3, and 36 without prejudice, Count 28 with prejudice, and the Fifth Amended Complaint in its entirety without prejudice as to Defendants Reckitt Benckiser Group PLC and Reckitt Benckiser Inc. n/k/a Reckitt Benckiser, LLC. The court granted Plaintiff-Relator leave to file a Sixth Amended Complaint by November 16, 2023;
6. Plaintiff-Relator has informed Defendants that she will file a Sixth Amended Complaint by November 16, 2023;
7. Defendants' deadline to answer Plaintiff-Relator's Fifth Amended Complaint is October 31, 2023. Defendants seek to extend this deadline to 30 days after Plaintiff-Relator has served her Sixth Amended Complaint. Plaintiff-Relator does not oppose the Motion;
8. The court finds good cause to grant Defendants' Motion to allow Defendants adequate time to respond to Plaintiff-Relator's allegations. The court ORDERS Defendants to file their answer within 30 days after the filing of Plaintiff-Relator's Sixth Amended Complaint.

ENTERED: October 31, 2023.

/s/ 
UNITED STATES MAGISTRATE JUDGE